

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: December 22, 2004

Re: **CONDITIONAL USE PERMIT (CUP): Mill View Centre, Graves Mill Road.**

I. PETITIONER

Millside Development, LLC, 7806 Timberlake Road, Lynchburg, VA 24502

Representative: Chris Gentry, Millside Development, LLC, 7806 Timberlake Road, Lynchburg, VA 24502

II. LOCATION

The subject property is a tract of approximately 10.3 acres located on Graves Mill Road.

Property Owners: Millside Development, LLC, 7806 Timberlake Road, Lynchburg, VA 24502

III. PURPOSE

The purpose of this petition is to allow construction of a Cluster Commercial Development (CCD) to include approximately 35,000 square feet of office space and common use parking facilities. An independent living facility, with approximately 120 units, is also included in the proposal.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends office land uses for this area.
- Petition agrees with the Zoning Ordinance in that a Cluster Commercial Development is permitted in a B-1, Limited Business District, with approval of a CUP from City Council.
- Petition proposes the use of the site for a Cluster Commercial Development to include approximately 35,000 square feet of office space, an independent living facility, and common use parking.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an office use for this area. The proposed Cluster Commercial Development with office space and common use parking areas is appropriate. The independent living facility is acceptable in this location since it will be adjacent to similar facilities currently in operation.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-1, Limited Business District, zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. Cluster Commercial Developments are allowed in B-1 districts with a conditional use permit approved by City Council.

A Cluster Commercial District (CCD) is intended to provide for flexibility in the planning of certain tracts of land, under single or multiple ownership, through the modification of certain lot, setback, and use restrictions. Developments under these regulations should provide for increased amenity, safety, and other public and private benefits, as well as reduced public and private costs. These districts are generally characterized by a unified or planned clustering of development served by a common parking area with a common means of ingress and egress.

These developments should be designed to decrease traffic congestion and reduce distractions from such sources as signs and artificial lighting.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the Cluster Commercial Development as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 4/14/1981: City Council approved the rezoning petition of Iseman to rezone approximately 8.0 acres of property at the end of Omega Street from R-1, Single Family Residential District, to R-2, Single Family Residential District (Conditional).
 - 8/12/1986: City Council approved a Conditional Use Permit (CUP) for Dreaming Creek Properties to construct a Cluster Commercial Development at the intersection of Old Graves Mill Road and Graves Mill Road.
 - 12/8/1987: City Council approved the rezoning petition of Hutter Associates, Inc. to rezone approximately 63 acres in the Creekside area, from R-1, Single-Family Residential District, to B-5, General Business District (Conditional), and R-4, Multi-family Residential District, to allow speculative development of commercial and multifamily uses.
 - 1/12/1999: City Council approved the rezoning petition of Petrie, Dierman, and Kughn to rezone several parcels in the Creekside area from B-5, General Business District (Conditional) to B-5, General Business District (Conditional), to allow construction of a retail development. At the same time, Council approved a Conditional Use Permit (CUP) from the same petitioner to permit filling in the floodplain.
 - 9/12/2000: City Council approved a Conditional Use Permit (CUP) for First Assembly of God to construct a church and parking area at 1208 Graves Mill Road.
 - 12/12/2000: City Council approved a Conditional Use Permit (CUP) for Lowe's Home Centers, Inc. to allow the petitioner to fill in the floodplain at Creekside Drive and Graves Mill Road.
 - 8/13/2002: City Council approved a Conditional Use Permit (CUP) for Miller-Motte Technical College to allow the petitioner to establish a technical college for up to 250 students at 1011 Creekside Drive.
 - 7/13/2004: City Council approved a Conditional Use Permit (CUP) for Home Depot to allow the petitioner to fill in the floodplain at 1200 Graves Mill Road.
5. **Site Description.** The subject property is bounded to the north by another independent living facility and Alzheimer's care facility. A firm of attorneys has an office adjacent to the property on the west and a bank is located further west across Lillian Lane. To the east, the property is bounded by largely vacant land with a few homes. To the south, across Graves Mill Road, is the Bausch & Lomb facility. The proposed entrance to the CCD from Graves Mill Road is directly opposite the shipping/receiving entrance to Bausch & Lomb.
6. **Proposed Use of Property.** The purpose of the CUP is to allow construction of a Cluster Commercial Development (CCD) with approximately 35,000 square feet of office space and common use parking facilities, along with an independent living facility with approximately 120 units.

7. **Traffic and Parking.** These comments have been prepared with the advice of the City Traffic Engineer. The Traffic Engineer has verified that sight distances at the proposed entrance to the development are more than adequate. He has prepared estimates of trip generation for the proposed office uses and independent living facility and has concluded that the amount of traffic entering or leaving the site during peak hours will not cause problems on Graves Mill Road. His concern is that there are few “gaps” in traffic that are long enough for vehicles to turn left out of the site onto Graves Mill Road; cars will be sitting and waiting for an opportunity to turn left. However, the traffic signal at Graves Mill Road and Mill Race Drive together with the signal included in the relocation of Old Graves Mill Road will help increase the number and length of gaps in oncoming traffic.

At this time, even with the new development, there is insufficient traffic to justify a traffic signal at the entrance to the proposed development or at Lillian Lane. Traffic on Graves Mill Road does speed past the site, so when the first new buildings open for business, message boards will be displayed along Graves Mill Road to warn drivers of the new traffic pattern. The use of Lillian Lane for access to Graves Mill Road is also encouraged.

A left turn lane into the site is not required because Graves Mill Road has four lanes.

The right turn lane shown on the site plan should be at least 150 feet in length and have a 75-foot taper. The Traffic Engineer does not recommend an acceleration lane, but he does recommend a wider entrance radius.

8. **Storm Water Management.** New impervious areas will exceed 1,000 square feet; as such, a stormwater management plan will be required for the construction. Stormwater management for Mill View Centre will be accomplished through the use of a permanent detention facility at the low end of the property. Preliminary drainage calculations indicate that the receiving channel is adequate for the site’s stormwater.

Stormwater quality will be addressed through biofilters that will be installed within the planted parking lot islands. The biofilters will be tied back into the storm drainage system for the site. In addition, other planted areas with openings in the curb at low points will allow stormwater to filter back into the ground and provide some detention throughout the development. The biofilters and landscaped areas will allow debris such as sediment and grit present in the stormwater to settle to the bottom filter which can then be removed through a regular maintenance schedule.

9. **Impact.** This site is currently vacant. Adding office buildings and an independent living facility constructed according to Scenic Corridor Overlay District standards will result in a compact, attractive development. The office buildings will provide new, modern space for various businesses. The independent living facility will be set back from the street and buffered by the office buildings. The same company that operates the two facilities on Lillian Lane is expected to operate the proposed independent living facility.
 10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on November 2, 2004, and for a second time on November 30, 2004. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval or during review of the individual buildings.
 11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Millside Development, LLC for a conditional use permit at Graves Mill Road for the use of a Cluster Commercial Development (CCD) in a B-1, Limited Business District, subject to the following conditions:

- 1. The property will be developed in substantial compliance with the site plan prepared by WW Associates, dated December 6, 2004.**
- 2. The entire site shall be developed according to the requirements of the City's Scenic Corridor Overlay District (SCOD).**
- 3. Since the site plan dated December 6, 2004, is a conceptual plan, plans for each building will be presented to the Planning Division for review prior to construction.**
- 4. The buildings will meet all building code requirements as determined by the Inspections Division.**
- 5. A righthand turn lane subject to approval by the City Traffic Engineer will be provided for traffic turning into the site from Graves Mill Road.**
- 6. An entrance that meets City of Lynchburg standards will be constructed where the rear access road meets Lillian Lane. The existing rear access road will be paved to provide emergency access to the property.**
- 7. Landscaping, buffering, and street tree planting along Graves Mill Road and Lillian Lane will be provided to the satisfaction of the City's Urban Forester and the City Planner.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. Chris Gentry, Petitioner/Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plan

(see attached site plans)

4. Narrative

(see attached narrative)

5. Rendering of Similar Independent Living Facility

(see attached rendering)